
Agenda

ZOOM Info:

888 788 0099 (Toll Free)
Webinar ID: 853 1532 9202
Participant ID: 249345

**Borough of Washington
Agenda
SPECIAL MEETING
January 12, 2022
7:00 pm**

STATEMENT OF ADEQUATE NOTICE

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

FLAG SALUTE

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

Agenda Topic: Mayor Vacancy

RESOLUTION

- **RESOLUTION OF THE BOROUGH OF WASHINGTON TO KEEP THE TEMPORARY VACANCY IN THE OFFICE OF MAYOR OPEN UNTIL THE VACANCY IS FILLED IN THE 2022 GENERAL ELECTION**
- **A RESOLUTION OF THE BOROUGH OF WASHINGTON TO FILL THE VACANCY IN THE OFFICE OF MAYOR IN ACCORDANCE WITH THE MUNICIPAL VACANCY LAW, N.J.S.A. 40A:16-1, ET. SEQ.**

**RESOLUTION OF THE BOROUGH OF WASHINGTON TO KEEP THE
TEMPORARY VACANCY IN THE OFFICE OF MAYOR OPEN UNTIL
THE VACANCY IS FILLED IN THE 2022 GENERAL ELECTION**

WHEREAS, on December 28, 2021, Mayor David Higgins (“Mayor Higgins”) resigned from his position of Mayor for the Borough of Washington; and

WHEREAS, the term of the office held by Mayor Huggins expires, as a matter of law, on December 31, 2024; and

WHEREAS, the resignation of Mayor Higgins created a vacancy in the office of Mayor for the Borough of Washington; and

WHEREAS, the Borough of Washington is a municipality which holds general elections for the offices of Mayor and members of Council; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) provides, in pertinent part, that if a vacancy occurs in accordance with N.J.S.A. 40A:16-3 and if such a vacancy occurs at any time prior to September 1 of the next to the last year of the officer whose office has become vacant, the vacancy shall be filled for its unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) further provides that the governing body may fill the vacancy temporarily by appointment as hereinafter provided; and

WHEREAS, the Court in *Linden Democratic Committee v. City of Linden*, 2021 N.J. Super LEXIS 110 (App Div. 2021) ruled that N.J.S.A. 40A:16-5(b) vests the decision to appoint an interim successor to fill a temporary vacancy with the governing body in its discretion.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington that, pursuant to N.J.S.A. 40A:16-5(b), the governing body, in its discretion, elects not to fill the office of Mayor temporarily by appointment; and

BE IT FURTHER RESOLVED, that the office of Mayor that has become vacant by the resignation of Mayor Higgins is to be remain temporarily vacant during the interim period from the time the vacancy occurred until the time of the 2022 general election.

A RESOLUTION OF THE BOROUGH OF WASHINGTON TO FILL THE VACANCY IN THE OFFICE OF MAYOR IN ACCORDANCE WITH THE MUNICIPAL VACANCY LAW, N.J.S.A. 40A:16-1, ET. SEQ.

WHEREAS, on December 28, 2021, Mayor David Higgins (“Mayor Higgins”) resigned from his position of Mayor for the Borough of Washington; and

WHEREAS, the term of the office held by Mayor Huggins expires, as a matter of law, on December 31, 2024; and

WHEREAS, the resignation of Mayor Higgins created a vacancy of the office of Mayor for the Borough of Washington; and

WHEREAS, the Borough of Washington is a municipality which holds general elections for the offices of Mayor and members of Council; and

WHEREAS, in accordance with N.J.S.A. 40A:16-5(b) the governing body may, in its discretion, elect to fill a temporary vacancy until such time as the next general election; and

WHEREAS, in the event the governing body elects to fill a temporary vacancy, the procedure that shall be followed is set forth in N.J.S.A. 40A:16-11; and

WHEREAS, N.J.S.A. 40A:16-11 dictates that when the incumbent whose office has become vacant was elected to the office as the nominee of a political party the governing body shall fill the vacancy from a list of three names provided by the incumbent’s political party committee; and

WHEREAS, on December 31, 2021, the Republican Committee submitted the names of the following individuals as nominees to fill the vacancy in the Office of Mayor:

Dale E. Parichuk, 116 Myrtle Avenue

Louann Cox, 33 McKinley Avenue

Dewayne Keith Norris, 25 State Street

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Washington that the Council hereby elects to fill the temporary vacancy in the office of Mayor until such time as the next general election, as permitted by N.J.S.A. 40A:16-5(b); and

BE IT FURTHER RESOLVED, by the Council of the Borough of Washington that pursuant to N.J.S.A. 40A:16-11 it does hereby appoint _____ to fill the vacancy in the Office of Mayor of the Borough of Washington until an election will be held in 2022 in accordance with the provisions of the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et. seq.